

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

David Couture

v.

Civil No. 10-cv-440-SM

Playdom, Inc.

Re: Document No. 2, Motion for Temporary Restraining Order

Ruling: The motion for temporary restraining order (document no. 2) is denied without prejudice to refiling, for failure to comply with Fed. R. Civ. P. 65(b)((1)(A) and (B). The motion certifies that a copy was faxed to defendant's counsel, but also contains a note stating that it was not. In addition, for guidance purposes, the motion does not develop any facts that would support the issuance of the specific temporary injunctive relief plaintiff seeks, even incorporating by reference the allegations in the complaint. That the defendant corporation is selling its assets, intellectual property, and transferring cash, would not seem relevant to the claim of irreparable injury to plaintiff resulting from defendant's continued use of the challenged mark - indeed, the prospective purchaser may well choose not to use the challenged mark at all. In any event, the motion is undeveloped, appears not to have been served, no certifications meeting Rule 65's requirements have been made, and on its face the motion does not describe grounds upon which the requested relief should be

granted. (It also appears that the motion for preliminary injunctive relief (document no. 3) has not been served (same certification and contradicting notation).)

So ordered.



Steven J. McAuliffe
Chief Judge

Date: September 29, 2010

cc: Richard N. Foley, Esq.